

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION – IN ADMIRALTY

CIVIL ACTION NO. 7:21-CV-00019-BO

In the Matter of:

MICHAEL W. WALKER, Owner of a
2019 20+/-' Bulls Bay Model 2000, HIN
FVZR7242D919, NC Registration #
8536 EK, her engine, tackle, apparel,
appurtenances, etc.

For Exoneration from
and/or Limitation of Liability

**DEFAULT JUDGMENTS AGAINST
NON-APPEARING PARTIES AND
NON-ASSERTED CLAIMS**

THIS CAUSE having come before the Court on Michael W. Walker (“Limitation Plaintiff”) as Owner of a 2019 20+/-' Bulls Bay Model 2000, HIN # FVZR7242D919, NC Registration # 8536 EK, her engine, tackle, apparel, appurtenances, etc. (“Vessel”), Motion for Judgment of Defaults Against Non-Appearing Parties, and the Court having reviewed the record herein, and being otherwise duly and fully advised in the premises, the Court finds pursuant to Rule 55(b) of the Federal Rules of Civil Procedure that:

1. On February 5, 2021, Limitation Plaintiff filed a Verified Complaint for Exoneration from and/or Limitation of Liability, pursuant to 46 U.S.C. §§ 30501 *et seq.* and Supplemental Admiralty Rule (F), for any injuries, damages or losses of whatever description arising out of or occurring on the voyage of the Vessel on navigable waters on or about August 8, 2020 to August 10, 2020 and an August 8,

2020 incident which occurred during this voyage ("Voyage"), as referred to in the Complaint.

2. Pursuant to Supplemental Admiralty Rule F, on or about February 24, 2021, the Court duly issued and entered an Order Directing Issuance of Notice, and Restraining Prosecution of Claims. [DE 6]. Further, on or about February 25, 2021, the Clerk of this Court issued notice requiring all persons asserting claims for any and all losses, damages, injuries, deaths, or destruction allegedly as a result of the occurrences and happenings recited in the Complaint, to file their respective claims with the Clerk and serve copies therefore on Limitation Plaintiff's attorney and to answer the allegation of the Complaint herein on or before June 11, 2021 or be defaulted. [DE 7].

3. Notice of said Order was duly given and published in *The Star-News* in Wilmington, North Carolina once a week for four (4) consecutive weeks ending on June 24, 2021 as required by the Court and a copy of the Notice to Claimants of Complaint for Exoneration from or Limitation of Liability was mailed to every person known to have made any claim, including all passengers, whether or not a claim was anticipated, against the Vessel or Limitation Plaintiff arising out of the Voyage on which the claims sought to be limited arose. Notice by Limitation Plaintiff was, in all respects, proper.

4. The deadline for receipt of claims and answers was June 11 2021..

5. To date, Limitation Plaintiff has been notified of two claims, those of Stephanie Rhea and Timothy Bryan Powell:

a. Don T. Evans and Seth B. Buskirk, from the law firm of Clark, Newton & Evans, P.A., gave this Court notice of their appearance as counsel of record for Stephanie Rhea. [DE 13, 18]. Before the expiration of the monitions period, the Answer to Verified Complaint for Exoneration from and/or Limitation of Liability and the Claim of Stephanie Rhea were filed. [DE 11, 11-1]. Limitation Plaintiff is serving a copy of this Motion upon the attorneys for Stephanie Rhea pursuant to Local Rule 55.1(a).

b. Justin K. Humphries of The Humphries Law Firm, P.C. gave this Court notice of his appearance as counsel for Timothy Bryan Powell. [DE 12]. Before the expiration of the monitions period, the Answer and Claim of Timothy Bryan Powell were filed [DE 16, 15]. Limitation Plaintiff is serving a copy of this Motion upon the attorney for Timothy Bryan Powell pursuant to Local Rule 55.1(a).


6. No other person or party has appeared, filed any claims, or filed any pleadings in this matter.

7. An Order for Entry of Default Against Non-Appearing Parties and Non-Asserted Claims was entered on July 22, 2021. [DE 24].

IT IS ORDERED, ADJUDGED AND DECREED that Default Judgments is had as to all non-asserted claims arising from the Voyage at issue in this limitation action and against all non-appearing parties having an interest in this matter; that all persons in default are barred, enjoined and restrained from filing, commencing or prosecuting any claim, answer, suit, action or other proceeding of any nature or

description whatsoever for or in connection with or on account of, incidental to, or resulting from the Voyage in this or any proceeding relating to the Voyage at issue; that Limitation Plaintiff is exonerated from liability as to all persons in default; and that the concursus of claimants in this action consists only of Stephanie Rhea and Timothy Bryan Powell.

IT IS SO ORDERED this the 27 day of August, 2021.


TERRENCE W. BOYLE
United States District Judge